

1 AN ACT concerning language assistance services.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Language Assistance Services Act is
5 amended by changing Sections 10 and 15 and adding Sections
6 16, 17, and 18 as follows:

7 (210 ILCS 87/10)

8 Sec. 10. Definitions. As used in this Act:

9 "Department" means the Department of Public Health.

10 "Interpreter" means a person fluent in English and in the
11 necessary language of the patient who can accurately speak,
12 read, and readily interpret the necessary second language, or
13 a person who can accurately sign and read sign language.
14 Interpreters shall have the ability to translate the names of
15 body parts and to describe completely symptoms and injuries
16 in both languages. Interpreters may include members of the
17 medical or professional staff.

18 "Language or communication barriers" means either of the
19 following:

20 (1) With respect to spoken language, barriers that
21 are experienced by limited-English-speaking or
22 non-English-speaking individuals who speak the same
23 primary language, if those individuals constitute at
24 least 5% of the patients served by the health facility
25 annually.

26 (2) With respect to sign language, barriers that
27 are experienced by individuals who are deaf and whose
28 primary language is sign language.

29 "Health facility" means a hospital licensed under the
30 Hospital Licensing Act or a long-term care facility licensed
31 under the Nursing Home Care Act.

1 (Source: P.A. 88-244.)

2 (210 ILCS 87/15)

3 Sec. 15. Language assistance services authorized. To
4 insure access to health care information and services for
5 limited-English-speaking or non-English-speaking residents
6 and deaf residents, a health facility must ~~may~~ do one or more
7 of the following:

8 (1) Review existing policies regarding interpreters for
9 patients with limited English proficiency and for patients
10 who are deaf, including the availability of staff to act as
11 interpreters.

12 (2) Adopt and review annually a policy for providing
13 language assistance services to patients with language or
14 communication barriers. The policy shall include procedures
15 for providing, to the extent possible as determined by the
16 facility, the use of an interpreter whenever a language or
17 communication barrier exists, except where the patient, after
18 being informed of the availability of the interpreter
19 service, chooses to use a family member or friend who
20 volunteers to interpret. The procedures shall be designed to
21 maximize efficient use of interpreters and minimize delays in
22 providing interpreters to patients. The procedures shall
23 insure, to the extent possible as determined by the facility,
24 that interpreters are available, either on the premises or
25 accessible by telephone, 24 hours a day. The facility shall
26 annually transmit to the Department of Public Health a copy
27 of the updated policy and shall include a description of the
28 facility's efforts to insure adequate and speedy
29 communication between patients with language or communication
30 barriers and staff.

31 (3) Develop, and post in conspicuous locations, notices
32 that advise patients and their families of the availability
33 of interpreters, the procedure for obtaining an interpreter,

1 and the telephone numbers to call for filing complaints
2 concerning interpreter service problems, including, but not
3 limited to, a T.D.D. number for the hearing impaired. The
4 notices shall be posted, at a minimum, in the emergency room,
5 the admitting area, the facility entrance, and the outpatient
6 area. Notices shall inform patients that interpreter
7 services are available on request, shall list the languages
8 for which interpreter services are available, and shall
9 instruct patients to direct complaints regarding interpreter
10 services to the Department of Public Health, including the
11 telephone numbers to call for that purpose.

12 (4) Identify and record a patient's primary language and
13 dialect on one or more of the following: a patient medical
14 chart, hospital bracelet, bedside notice, or nursing card.

15 (5) Prepare and maintain, as needed, a list of
16 interpreters who have been identified as proficient in sign
17 language and in the languages of the population of the
18 geographical area served by the facility who have the ability
19 to translate the names of body parts, injuries, and symptoms.

20 (6) Notify the facility's employees of the facility's
21 commitment to provide interpreters to all patients who
22 request them.

23 (7) Review all standardized written forms, waivers,
24 documents, and informational materials available to patients
25 on admission to determine which to translate into languages
26 other than English.

27 (8) Consider providing its nonbilingual staff with
28 standardized picture and phrase sheets for use in routine
29 communications with patients who have language or
30 communication barriers.

31 (9) Develop community liaison groups to enable the
32 facility and the limited-English-speaking,
33 non-English-speaking, and deaf communities to insure the
34 adequacy of the interpreter services.

1 (Source: P.A. 90-655, eff. 7-30-98.)

2 (210 ILCS 87/16 new)

3 Sec. 16. Complaint system. The Department shall develop
4 and implement a complaint system through which the Department
5 may receive complaints related to violations of this Act.

6 (210 ILCS 87/17 new)

7 Sec. 17. Penalty for violation. A person who violates
8 this Act shall be guilty of a business offense punishable by
9 a fine of \$10,000 and each day's violation shall constitute a
10 separate offense.

11 (210 ILCS 87/18 new)

12 Sec. 18. Rules. The Department shall adopt any rules
13 necessary for the administration and enforcement of this Act.